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United States Attorney

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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,
v.
KENNETH EUGENE HOLLOWAY
Defendant.

No. CR-97-40059 CW
[Filed: Sept. 25, 2006]

UNITED STATES OF AMERICA,
Plaintiff,
v.
KENNETH EUGENE HOLLOWAY
Defendant.

No. CR-07-00344 MJJ
[Filed: May 31, 2007]

NOTICE OF RELATED CASE
IN A CRIMINAL ACTION
(Oakland Venue)

The United States of America, pursuant to Local Criminal Rule 8-1, hereby notifies the Court that the two above-captioned criminal cases are related. The more recent charge filed on May 31, 2007 (see Attachment) involves the same crime as charged in Counts One and Two of the Form 12 Supervised Release violation in case 97-40059-CW pending before the Honorable Claudia

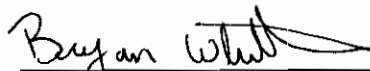
NOTICE OF RELATED CASES
U.S. v. HOLLOWAY

1 Wilken. The cases are related within the meaning of Local Rule 8-1(b)(1) because they involve
2 the same transaction and occurrence and both involve the same defendant. Indeed, both cases
3 allege that on or about August 25, 2006, the defendant unlawfully possessed a controlled
4 substance—twenty eight pieces of crack cocaine/more than five grams of crack cocaine. The
5 Indictment in case 07-00344 MJJ, further alleges that the crack cocaine was possessed with the
6 intent for sale. Additionally, both cases allege that on or about August 25, 2006, the defendant
7 unlawfully possessed a firearm. Furthermore, the cases are related within the meaning of Local
8 Rule 8-1(b)(2) because if heard by separate judges they likely would involve substantial
9 duplication of labor by the two judges. Moreover, because the cases involve the same defendant
10 and same occurrence, if the defendant is found guilty, the sentencing in both cases would be
11 made simpler and promote an efficient determination to both actions by relating the matters.

12 Per the requirement of Local Criminal Rule 8-1(c)(4), government counsel states that
13 assignment of these cases to a single judge is likely to conserve judicial resources and promote an
14 efficient determination of each action.

15
16 Date: August 14, 2007

Respectfully Submitted,
SCOTT N. SCHOOLS

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19 
20 BRYAN R. WHITTAKER
Special Assistant U.S. Attorney

AO 257 (Rev. 6/78)

filing

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING

OFFENSE CHARGED

SEE ATTACHED

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:

SEE ATTACHED

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)
ATF
☒ person is awaiting trial in another Federal or State Court, give name of court
Alameda County

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a prosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a pending case involving this same defendant

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under
SHOW
DOCKET NO.MAGISTRATE
CASE NO.Name and Office of Person
Furnishing Information on
THIS FORM

SCOTT N. SCHOOLS

☒ U.S. Att'y ☐ Other U.S. Agency
Name of Asst. U.S. Att'y
(if assigned)

Bryan R. Whitaker, SAUSA

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

KENNETH EUGENE HOLLOWAY

DISTRICT COURT NUMBER

CR07-00344

 MAY 31 2007
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND

MJJ

DEFENDANT

IS NOT IN CUSTODY

- 1) ☒ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF
ARREST

Month/Day/Year

Or... If Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT Bail Amount: NO BAIL

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

PENALTY SHEET ATTACHMENT
KENNETH HOLLOWAY

CHARGES:

- COUNT 1: 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(iii) – Possession With Intent To Distribute Cocaine Base;
- COUNT 2: 18 U.S.C. § 924(c)(1)(A) - Possession of Firearm In Furtherance of Commission of Drug Traffic Offense
- COUNT 3: 18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm; 18 U.S.C.

PENALTIES:

- COUNT 1: Maximum Life - 10 years mandatory minimum imprisonment; \$4,000,000 fine; Maximum lifetime - 8 year mandatory minimum supervised release and \$100 special assessment.
- COUNT 2: Maximum Life - 5 years mandatory minimum consecutive to any other term of imprisonment, \$250,000 fine; 5 years supervised release and \$100 special assessment.
- COUNT 3: 10 years imprisonment; \$250,000 fine; 3 years supervised release; \$100 special assessment.

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA
CRIMINAL DIVISION
VENUE: OAKLAND

E-filing

UNITED STATES OF AMERICA,
v.
KENNETH HOLLOWAY,

CRO7-00344 MJJ

FILED
2007 MAY 31 PM 12:31
FEDERAL DISTRICT COURT
CLERK'S OFFICE
NORTHERN DISTRICT OF CALIFORNIA

C

DEFENDANT.

INDICTMENT

(B) WDB

VIOLATIONS: 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(iii) - Possession
With Intent To Distribute Cocaine;
18 U.S.C. § 922(g)(1) - Felon in Possession of a Firearm
18 U.S.C. § 924(c)(1)(A) - Using and Carrying a Firearm During Drug
Trafficking Crime

A true bill.

[Signature]

Foreman

Filed in open court this 31st day of

May, 2007

Clerk

Bail, \$

No bail arrest warrant.
Wayne D. Brazil 5/31/07

E-filing

FILED

C

1 SCOTT N. SCHOOLS (SCBN 9990)
2 United States Attorney

2007 MAY 31 PM 12:31

RECEIVED
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11
12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 KENNETH EUGENE HOLLOWAY,

16 Defendant.
17

No.

CRO7-00344

MJJ

VIOLATIONS: 21 U.S.C. §§ 841(a)(1) and
841(b)(1)(B)(iii) – Possession With Intent
To Distribute Cocaine Base; 18 U.S.C. §
922(g)(1) – Felon in Possession of a
Firearm; 18 U.S.C. § 924(c)(1)(A) – Using
and Carrying a Firearm During Drug
Trafficking Crime

OAKLAND VENUE

18
19 INDICTMENT

20 The Grand Jury charges:

21 COUNT ONE: (21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(iii) -- Possession With Intent To
22 Distribute Cocaine Base)

23 On or about August 25, 2006, in the Northern District of California, the defendant,

24 KENNETH EUGENE HOLLOWAY,

25 did knowingly and intentionally possess with intent to distribute a Schedule II controlled
26 substance, namely, at least 5 grams of a mixture and substance containing cocaine base (in the
27 form of "crack" cocaine), in violation of Title 21, United States Code, Sections 841(a)(1) and
28 841(b)(1)(B)(iii).

INDICTMENT

1 COUNT TWO: (18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm)

2 On or about August 25, 2006, in the Northern District of California, the defendant,
3 KENNETH EUGENE HOLLOWAY,
4 having previously been convicted of a felony crime punishable by a term of imprisonment
5 exceeding one year, did knowingly possess a firearm, described as an RG Industries, Model RG-
6 14, .22 caliber revolver, serial number 354137, in and affecting commerce, in violation of Title
7 18, United States Code, Section 922(g)(1).

8 COUNT THREE: (18 U.S.C. § 924(c)(1)(A) – Using, Carrying, and Possessing a Firearm
9 During, in Relation to, and in Furtherance of a Drug Trafficking Crime)

10 On or about August 25, 2006, in the Northern District of California, the defendant,
11 KENNETH EUGENE HOLLOWAY,
12 did knowingly use and carry a firearm during and in relation to the drug trafficking crime alleged
13 in Count One herein, which crime may be prosecuted in a court of the United States, and, in
14 furtherance of that crime, did knowingly possess that firearm, in violation of Title 18, United
15 States Code, Section 924(c)(1)(A).

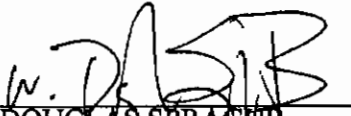
16 //


17 DATED: May 31, 2007

A TRUE BILL.

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FOREPERSON

20 SCOTT N. SCHOOLS
21 United States Attorney

22 
23 DOUGLAS SPRAGUE
24 Chief, Oakland Branch

25 (Approved as to form: )

26 SAUSA WHITTAKER
27
28

INDICTMENT